

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.36522 OF 1998

DATED: 23-04-2007

Between :

Kanchi Radha Kumari ... Petitioner

And

1. The Sarpanch, Gram Panchayat, Palagummi,
Razole (Mandal), East Godavari District.,
And another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.36522 OF 1998

ORDER :

-
The petitioner herein filed O.S.No.150 of 1989 in the Court of the Principal District Munsif, Rajole seeking a declaration that the show-cause notice dated 21-10-1989 issued by the Mandal Revenue Officer, Rajole as illegal and without jurisdiction and to grant injunction restraining the District Collector, the Revenue Divisional Officer and the Mandal Revenue Officer from interfering with the suit schedule property i.e., 120 Coconut trees standing on RS.Nos.104 and 105 of Palagummi Village. The said suit was dismissed by Judgment dated 29-7-1997. Aggrieved by the same, the petitioner filed A.S.No.38 of 1997 on the file of the Court of Subordinate Judge, Rajole. The learned Appellate Judge by order dated 17-10-1997 in I.A.No.592 of 1997 in AS.No.38 of 1997 ordered that Status Quo to be maintained pending appeal.

During pendency of the said Appeal, this writ petition has been filed on 29-12-1998 alleging that the respondents herein i.e., the Sarpanch of the Gram Panchayat, Palagummi and Station House Officer, Rajole P.S. were coercing the petitioner to hand over the schedule property which is the subject-matter of the Appeal. Thus, a Mandamus was sought to declare the alleged action of the respondents in interfering with the possession of the petitioners in respect of the suit schedule property as arbitrary and illegal.

This Court while directing Rule Nisi by order dated 31-12-1998 granted interim direction not to interfere with the possession

of the petitioners in respect of the trees which are the subject-matter of the Appeal and the same continued to be in operation throughout.

A counter-affidavit has been filed by the 2nd respondent – Station House Officer, Rajole P.S. denying all the allegations made by the petitioner and stating that the respondents have never interfered with the possession of the petitioner in respect of the trees in question nor threatened her to hand over the same to them.

Having regard to the counter-affidavit filed by the respondents denying the allegations made by the petitioner, without expressing any opinion on merits, the Writ Petition is disposed of with a direction to the respondents not to interfere with the property in question without following due process of law. No costs.

G. ROHINI, J.

Dt.23-04-2007

gbs